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Patrice Gautier

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TECHNOLOGY & INNOVATION LAW GROUP, PC

ATTN: 101

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EXAMINER

SEE, CAROL A

ART UNIT

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DELIVERY MODE

10/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,213	Applicant(s) GAUTIER ET AL.	
	Examiner Carol See	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,38,42-47,56 and 62 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,11-25,38,42-47,56 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/2/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action (dated 4/1/2008) has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/2/2008 has been entered.

Response to Amendment

2. Examiner acknowledges receipt of Applicant's Arguments/Remarks (9/2/2008) in which Applicant amended the specification to delete "carrier waves," and amended claims 1, 8, 42, 43 and 56 and cancelled claim 10.

3. Applicant's amendment of claim 62 and the related amendment in the specification, has overcome the previous rejection of claim 62 under 35 USC 101. Accordingly, the rejection is withdrawn.

4. Claims 1-9, 11-25, 38, 42-47, 56 and 62 are pending in this action.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on 9/2/2008 was filed after the mailing date of the final Office Action on 4/1/2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

6. Claims 8 and 23 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 8 depends from a method claim 1 that recites the steps of receiving an allowance request, an allowance increment and initiating transfer of money into an account with the allowance request and allowance increment. The statement of the intended use of the money transferred in claim 1 fails to further define or limit the method steps.

Claim 22 recites two different individuals, while claim 23, which depends from claim 22, recites a parent and child. This is merely a restatement of the identity of the different individuals identified in claim 22, which does not further limit claim 22.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1 and 56 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 2-9, 11-25, 38 and 42-47 are rejected as depending from claim 1.

Based on Supreme Court precedent (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) and recent Federal Circuit decisions, §101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (the Supreme Court recognized that this test is not necessarily fixed or permanent and may evolve with technological advances. (*Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)). If either of these requirements is met by the claim(s), the method is not a patent eligible process under 35 U.S.C. §101.

In this particular case regarding the first test, in performing the steps of the claimed subject matter, there is no requirement in the body of the claim that a machine be used; the only mention of a machine is the reference to a network in the preamble and in the first clause of claim 1 and the 3rd clause of claim 56. However, there is no indication that the claimed method steps actually occur on a machine. The only reference made that indicates some type of machine is the purchase of goods over a network in the cited clauses of each claim. The claim language does not indicate that the method steps are occurring on a network. Thus the claims are not considered sufficiently tied to another statutory class. Accordingly, claim 1 is rejected under 35 USC §101 as directed to non-statutory subject matter. Claims 2-9, 11-25, 38 and 42-47 are rejected as depending from claim 1.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation in claim 1 that reads “periodically initiating transfer of money into the recipient account in accordance with the allowance request and the allowance increment, wherein the transfer of the money periodically in the amount of the allowance increment is achieved by purchasing store credit using a credit card associated with the user and placing the purchased store credit in the recipient account” does not appear in the specification or the drawings. Paragraphs 0039, 0040, 0047 and Fig. 4B of the specification refer to periodic deposits of funds, but no indication is evident regarding the purchase of store credit for deposit into a recipient account.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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12. Claims 1, 7, 21, 56 and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-9, 11-25, 38 and 42-47 are rejected as depending from claim 1. Claims 2-9, 11-25, 38 and 42-47 are rejected as depending from claim 1.

As to claim 1, the recitations “periodic basis” in clause (b) and “periodically” in clause (c) render the claim indefinite because the meanings of these terms are unclear.

The recitation “periodic basis” in claim 7, in the 1st and 2nd clauses of claim 56; and the 2nd clause of claim 62 render the claim indefinite because the meaning of this recitation is unclear.

As to claim 21, the claim is rendered vague because the meaning of the recitation “wherein the user has a user account associated therewith” is unclear.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1, 4-9, 11-12, 14-18, 21-25, 42-47, 56 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleming (U.S. 5,953,710).

As to claim 1, Fleming shows a method for transferring an amount of money to a recipient account associated with a recipient, the amount of money being available for use by the recipient for purchase of goods over a network, said method comprising:

(a) receiving an allowance request from a user indicating a request to set up an allowance for a recipient, the allowance representing an amount of money being made available by the user to the recipient for purchase of one or more items over the network (col. 6, lines 20-47, showing set up of child account in conjunction with col. 10, lines 10-47 and col. 14, lines 45-50, showing a completed parent request for increase to a child's available credit limit, that amount requested being the amount of a set allowance, which is an amount of money being made available to the recipient, i.e., the child);

(b) receiving an allowance increment or selection of an allowance increment, the allowance increment indicating an amount of money to be transferred to the recipient account on a periodic basis (col. 14, lines 45-57).

(c) periodically initiating transfer of money into the recipient account in accordance with the allowance request and the allowance increment (col. 10, lines 10-47 and col. 14, lines 45-50, showing a completed parent request for increase to a child's available credit limit, that amount requested being the amount of a set allowance, which is an amount of money being made available to the recipient, i.e., the child), wherein the transfer of the money periodically in the amount of the allowance increment is achieved by purchasing store credit using a credit card associated with the user and placing the purchased store credit in the recipient account.

The recitation “for use by the recipient for purchase of goods over a network” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The recitation “for purchase of one or more items over the network” in clause (b) of the claim constitutes nonfunctional descriptive material. As such the recitation is not afforded patentable weight. The reason for performance of the method step is not functionally related to the actual performance. The claimed method step will be performed regardless of the reason it is being performed. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

The recitation “wherein the transfer of the money periodically in the amount of the allowance increment is achieved by purchasing store credit using a credit card associated with the user and placing the purchased store credit in the recipient account” constitutes nonfunctional descriptive material. As such the language is not afforded patentable weight. The source of the funds for transfer is not functionally related to the step of initiating transfer of money. The claimed initiating transfer step will be performed

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regardless of the source of funds. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

As to claim 4, Fleming shows all elements of claim 1. Fleming further shows receiving, over the network, a selection of a period of time after expiration of which the allowance increment is to be transferred to the recipient account, wherein the allowance increment is to be transferred to the recipient account each time the period of time expires (col. 14, lines 55-58, showing parent entering periodic interval after which money is to be transferred).

As to claim 5, Fleming shows all elements of claim 4. Fleming further shows modifying the period of time, thereby updating the allowance that has previously been set up for the recipient (col. 14, lines 58-60).

As to claim 6, Fleming shows all elements of claim 4. Fleming further shows wherein the period of time is a week or a month (col. 19, line 58).

As to claim 7, Fleming shows all elements of claim 1. Fleming further shows wherein the allowance increment is to be transferred from a user account associated with the user to the recipient account on a periodic basis (col. 14, lines 45 – 58).

As to claim 8, Fleming shows all elements of claim 1.

The recitation “wherein the recipient uses the money transferred into the recipient account to purchase items from an online store” constitutes nonfunctional descriptive material. As such the language is not afforded patentable weight. The result of the

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method step of initiating transfer of money is not functionally related to the step of initiating transfer of money. The initiating transfer step will be performed the same regardless of what the recipient does with the money after it is transferred. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

As to claim 9, Fleming shows all elements of claim 8. Fleming further shows wherein credit card information associated with the credit card is established in association with a user account of the user (col. 6, lines 7-10 and 20-28).

As to claim 11, Fleming shows all elements of claim 1. Fleming further shows credit card information of the recipient not being stored in association with the recipient account (col. 3, lines 35-36 and col. 4, lines 52-53, referencing recipient having a debit card and the supervision of that card's use using the same system as for a credit card. In that instance, credit card information is not stored, but debit account information is stored).

As to claim 12, Fleming shows all elements of claim 1. Fleming further shows wherein a username and password are stored in association with the recipient account (col. 6, lines 20-23, 37-38 and Fig. 2, element 28).

As to claim 14, Fleming shows all elements of claim 1. Fleming further shows wherein the recipient account is identified by a username or email address (col. 6, lines 20-23 and Fig. 2, element 28).

As to claim 15, Fleming shows all elements of claim 1. Fleming further shows receiving an identifier associated with the recipient account (col. 10, lines 20-23).

As to claim 16, Fleming shows all elements of claim 15. Fleming further shows wherein the identifier is a username or email address (col. 10, lines 20-23).

As to claim 17, Fleming shows all elements of claim 1. Fleming further shows receiving an identifier associated with the recipient account or creating the recipient account (col. 6, lines 43-44).

As to claim 18, Fleming shows all elements of claim 1. Fleming further shows creating the recipient account (col. 6, lines 20-47).

As to claim 21, Fleming shows all elements of claim 1. Fleming further shows wherein the user has a user account associated therewith, wherein the user account is separate from the recipient account (col. 3, lines 11-14).

As to claim 22, Fleming shows all elements of claim 21. Fleming further shows wherein the user is a first individual and the recipient is a second individual (col. 3, lines 11-14).

As to claim 23, Fleming shows all elements of claim 22. Fleming further shows wherein the user is a parent and the recipient is a child of the parent (col. 3, lines 11-14).

As to claim 24, Fleming shows all elements of claim 21. Fleming further shows wherein the user account is a parent account and the recipient account is a sub-account of the parent account (col. 3, lines 11-15).

As to claim 25, Fleming shows all elements of claim 24. Fleming further shows

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wherein the recipient can view information associated with the sub-account, but cannot view information associated with the parent account (col. 7, lines 25-37 and Fig. 2A depicting parent statement as including parent and child, and child statement relating only to child's transactions).

As to claim 44, Fleming shows all elements of claim 1. Fleming further shows receiving a request to update the allowance for the recipient (col. 14, lines 47-51).

As to claim 45, Fleming shows all elements of claim 44. Fleming further shows receiving a request to discontinue the allowance for the recipient (col. 14, lines 58-60).

As to claim 46, Fleming shows all elements of claim 44. Fleming further shows receiving a request to modify the allowance for the recipient (col. 14, lines 58-60).

As to claim 47, Fleming shows all elements of claim 46. Fleming further shows wherein modifying an allowance comprises receiving a request to modify the allowance increment to a second allowance increment (col. 14, lines 55-60).

As to claim 56, Fleming shows a method for facilitating the transfer of money to one or more recipient accounts associated with one or more recipients, the money being made available for use by the recipients for purchase of goods over a network, comprising:

maintaining a list of one or more recipient accounts (col. 15, lines 51-58), each of the recipient accounts having an associated allowance increment indicating an amount of money to be transferred to the recipient account on a periodic basis (col. 10, lines 11-26 in conjunction with col. 10, lines 45-60); and

automatically transferring the allowance increment associated with each of the

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recipient accounts to the corresponding recipient account on a periodic basis (col. 10, lines 11-47 in conjunction with col. 10, lines 45-60)

facilitating purchase by the recipients of one or more items over the network using the money from the allowance increments that have been transferred to the recipient accounts associated with the recipients (col. 10, lines 11-47 in conjunction with col. 10, lines 45-60, showing transfer of money, which enables –i.e., facilitates spending of that money for purchases).

The recitation “for facilitating the transfer of money to one or more recipient accounts associated with one or more recipients, the money being made available for use by the recipients for purchase of goods over a network” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

As to claim 62, Fleming shows a computer readable medium including at least executable computer program code tangibly stored thereon for transferring an amount of money to a recipient account associated with a recipient, the amount of money being available for use by the recipient for purchase of goods over a network, said computer readable medium comprising:

computer program code for receiving an allowance request from a user indicating a request to set up an allowance for a recipient, the allowance representing an amount of money being made available by the user to the recipient for purchase of one or more items over the network (col. 17, lines 2-4, 27-36 and Fig. 6); and

computer program code for receiving an allowance increment or selection of an allowance increment, the allowance increment indicating an amount of money to be transferred to the recipient account on a periodic basis (col. 9, line 54 through col. 10, line 27).

Applicant's recitation of "for transferring an amount of money to a recipient account associated with a recipient" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

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subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2, 3, 19, 20 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming (U.S. 5,953,710) in view of Herman (WO/0043852).

As to claim 2, Fleming shows all elements of claim 1.

Fleming does not specifically show wherein the allowance is a monthly allowance, and the allowance increment is to be transferred to the recipient account on a monthly basis.

Herman shows wherein the allowance is a monthly allowance, and the allowance increment is to be transferred to the recipient account on a monthly basis (Fig. 7B).

It would have been obvious to one of ordinary skill in the art to have modified the invention of Fleming by the method taught in Herman in order to further accommodate a user's choice of the time in which to make money available.

As to claim 3, Fleming in view of Herman shows all elements of claim 2. Herman further shows wherein when the allowance request is received after a specific date in the month, the allowance increment is to be transferred to the recipient account at the beginning of the next month (pg. 9, lines 24 through pg 10, line 10).

It would have been obvious to one of ordinary skill in the art to have modified the invention of Fleming by the method taught in Herman in order to further accommodate user's choice of the time in which to transfer money and to make it available to a

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recipient.

As to claim 19, Fleming shows all elements of claim 18.

Fleming does not specifically show wherein creating the recipient account further comprises receiving an email address of the recipient and receiving a temporary password of the recipient.

Herman teaches creating the recipient account that comprises receiving an email address of the recipient and receiving a temporary password of the recipient (pg. 9, lines 3-10).

It would have been obvious to one of ordinary skill in the art to have modified the invention disclosed by Fleming by the method taught in Herman in order to provide identification and access to specified accounts (pg. 9, lines 8-9).

As to claim 20, Fleming in view of Herman shows all elements of claim 19. Fleming further shows receiving a name of the recipient (Fig. 2, elements 22 and 28 in conjunction with Fig. 3, elements 12(a) and 22, showing communication of information).

As to claim 38, Fleming shows all elements of claim 1. Fleming further shows communications through systems that allow the user to input and receive information including personal computer systems (col. 9, lines 60-63) and telecommunications link (Fig. 1, element 12(b)).

Fleming does not specifically show the allowance request initiated via an allowance hypertext link.

Herman shows the allowance request initiated via an allowance hypertext link (pg. 7, lines 23-25; pg. 8, lines 14-19 and pg. 9, line 24 through page 10, line 10).

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It would have been obvious to one of ordinary skill in the art to have modified the method disclosed in Fleming by the method taught in Herman in order to communicate information through a well known and widely used communication tool.

17. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming (U.S. 5,953,710) in view of Maritzen et al. (U.S. 2002/0095386).

As to claim 13, Fleming shows all elements of claim 1.

Fleming does not specifically show wherein an address of the recipient is not stored in association with the recipient account.

Maritzen teaches wherein an address of the recipient is not stored in association with the recipient account. (para. 0054, showing storage of information associated with an account that does not include an address). This known technique is applicable to the system of Fleming as they both share characteristics and capabilities, namely, they are directed to account transactions.

One of ordinary skill in the art would have recognized that applying the known technique of Maritzen would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Maritzen to the teachings of Fleming would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such privacy features into similar systems. Further, applying privacy features to Fleming would have been recognized by those of ordinary skill in the art as resulting in an improved system that would protect a customer's privacy.

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18. Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Cheong et al. (U.S. 7,006,993).

As to claim 42, Fleming shows all elements of claim 1.

Fleming does not specifically show displaying a graphical user interface for the user, the graphical user interface having an allowance setup interface that enables the user to designate the allowance increment, the recipient account and the recipient (col. 9, lines 54-64, showing customer computer access, Fig. 1, Fig. 6, wherein the graphical user interface is provided when the user accesses an online store via the network, and wherein the recipient account is associated with the online store.

Cheong teaches displaying a graphical user interface for the user, the graphical user interface having an allowance setup interface that enables the user to designate the allowance increment, the recipient account and the recipient, wherein the graphical user interface is provided when the user accesses an online store via the network, and wherein the recipient account is associated with the online store (col. 8, line 37 through col. 10, line 7, and figs. 1, 4 and 10-14, showing a graphical user interface of a merchant site allowing a user to set up a recipient account for purchases at an online merchant).

It would have been obvious to one of ordinary skill in the art to include in the system of Fleming the ability to designate funds for use at online merchants as taught by Cheong since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 43, Fleming in view of Cheong shows all elements of claim 42. Fleming further shows wherein in designating the recipient account, an account identifier and password for the recipient account are provided by the user (col. 6, lines 20-47).

Response to Arguments

19. Applicant's arguments filed 9/2/2008 have been fully considered but they are not persuasive.

20. Examiner respectfully notes that increasing or decreasing an amount of credit available in another account, as cited by prior art references, by designating an amount of credit to be provided to that account from a first account, broadly interpreted, is "transferring an amount of money" to that account. Accordingly, this interpretation is maintained in this action.

21. Regarding Applicant's challenge to Official Notice taken regarding storage (or not storage) of certain information in a recipient account, Examiner previously submitted the following reference which is incorporated into the above action:

- Maritzen et al. (U.S. 2002/0095386) showing storage of account information that does not include an address.

Conclusion

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon, can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

Carol See
Patent Examiner
Art Unit 3696